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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,665	10/23/2001	Ramesh Krishnamurthy	M-11999 US	9415
33031	7590	10/03/2005		
CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759				
			EXAMINER DAVIS, CYNTHIA L	
			ART UNIT 2665	PAPER NUMBER

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

X

<b>Office Action Summary</b>	<b>Application No.</b> 10/044,665	<b>Applicant(s)</b> KRISHNAMURTHY, RAMESH	
	<b>Examiner</b> Cynthia L. Davis	<b>Art Unit</b> 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/9/2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/9/2005 have been fully considered but they are not persuasive. Regarding applicant's arguments to claims 1, 20, 39, and 58, the Hariharasubrahmanian reference discloses communication devices that can predict the contents of packets and respond to them before they are received. There would be no need to respond to the packets if no response was expected by the first network element, or if the packet did not require a response. The reference reads on the claim language.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-6, 20-25, 39-44, and 58-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balazinski in view of Hariharasubrahmanian.

Regarding claim 1, receiving a first configuration request packet at a first network element for a network connection from a second network element and responding with a first packet is disclosed in Balazinski, paragraph 11. If a first response to said first packet is expected by said first network element, determining expected contents of said first response, and if said expected contents of said first response to said first packet require a response, responding with a second packet before receiving said first response is missing from Balazinski. However, Hariharasubrahmanian discloses in column 2, lines 64-67, predicting the expected response to a packet and sending the

response before the packet is received, so as to use network resources more efficiently. It would have been obvious to one skilled in the art at the time of the invention to predict the response to the incoming first response and send it before receipt of the first response. The motivation would be to speed up negotiation (see Hariharasubrahmanian, column 2, line 65, and Balazinski, paragraph 15).

Regarding claim 20, means for receiving a first configuration request packet at a first network element for a network connection from a second network element and responding with a first packet is disclosed in Balazinski, paragraph 11. If a first response to said first packet is expected by said first network element, means for determining expected contents of said first response, and if said expected contents of said first response to said first packet require a response, means for responding with a second packet before receiving said first response is missing from Balazinski. However, Hariharasubrahmanian discloses in column 2, lines 64-67, predicting the expected response to a packet and sending the response before the packet is received, so as to use network resources more efficiently. It would have been obvious to one skilled in the art at the time of the invention to predict the response to the incoming first response and send it before receipt of the first response. The motivation would be to speed up negotiation (see Hariharasubrahmanian, column 2, line 65, and Balazinski, paragraph 15).

Regarding claim 39, a processor and a network interface coupled to said processor is disclosed in Balazinski, paragraph 11 (mobile cellular stations and PDSNs have these things). Wherein said processor is configured to receive a first configuration

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request packet at a first network element for a network connection from a second network element and responding with a first packet is disclosed in Balazinski, paragraph 11. If a first response to said first packet is expected by said first network element, determine expected contents of said first response, and if said expected contents of said first response to said first packet require a response, respond with a second packet before receiving said first response is missing from Balazinski. However, Hariharasubrahmanian discloses in column 2, lines 64-67, predicting the expected response to a packet and sending the response before the packet is received, so as to use network resources more efficiently. It would have been obvious to one skilled in the art at the time of the invention to predict the response to the incoming first response and send it before receipt of the first response. The motivation would be to speed up negotiation (see Hariharasubrahmanian, column 2, line 65, and Balazinski, paragraph 15).

Regarding claim 58, a computer program product for negotiating point-to-point protocol (PPP), encoded in computer readable media, said program product comprising a set of instructions executable on a computer system is disclosed in Balazinski, paragraph 11 (cellular mobile stations and PDSNS contain computer readable media holding instructions). Wherein said set of instructions configured to receive a first configuration request packet at a first network element for a network connection from a second network element and responding with a first packet is disclosed in Balazinski, paragraph 11. If a first response to said first packet is expected by said first network element, determine expected contents of said first response, and if said expected

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contents of said first response to said first packet require a response, respond with a second packet before receiving said first response is missing from Balazinski. However, Hariharasubrahmanian discloses in column 2, lines 64-67, predicting the expected response to a packet and sending the response before the packet is received, so as to use network resources more efficiently. It would have been obvious to one skilled in the art at the time of the invention to predict the response to the incoming first response and send it before receipt of the first response. The motivation would be to speed up negotiation (see Hariharasubrahmanian, column 2, line 65, and Balazinski, paragraph 15).

Regarding claims 2, 21, 40, and 59, sending a second configuration packet to said second network element is disclosed in paragraph 12 of Balazinski.

Regarding claims 3, 22, 41, and 60, if said first configuration request packet includes at least one unsupported option, responding with a configuration reject packet is disclosed in paragraph 12 of Balazinski.

Regarding claims 4, 23, 42, and 61, if said first configuration request packet includes at least one supported option having at least one unsupported value, responding with at least one configuration-NAK packet for said supported option having at least one unsupported value is disclosed in paragraph 12 of Balazinski.

Regarding claims 5, 24, 43, and 62, said configuration-NAK packet includes at least one suggested supported value for said supported option having at least one unsupported value is disclosed in paragraph 12 of Balazinski.

Regarding claims 6, 25, 44, and 63, responding with a first configuration-ACK packet having said supported option with said suggested supported value is disclosed in paragraph 12 of Balazinski. The response occurring before receiving a response to said configuration-NAK packet is missing from Balazinski. However, Hariharasubrahmanian discloses in column 2, lines 64-67, predicting the expected response to a packet and sending the response before the packet is received, so as to use network resources more efficiently. It would have been obvious to one skilled in the art at the time of the invention to predict the response to the incoming first response and send it before receipt of the first response. The motivation would be to speed up negotiation (see Hariharasubrahmanian, column 2, line 65, and Balazinski, paragraph 15).

3. Claims 7-12, 14-17, 19, 26-31, 33-36, 38, 45-50, 52-55, 57, 64-69, 71-74, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balazinski in view of Hariharasubrahmanian in further view of Hong.

Regarding claims 7, 26, 45, and 64, starting a re-send timer is missing from Balazinski. However, Hong discloses a retransmission timer in column 27, lines 43-53. It would have been obvious to one skilled in the art at the time of the invention to start a re-send timer. The motivation would be to retransmit the packet if there is no response within a certain time, and guard against unreceived packets in the system. Regarding claims 8, 27, 46, and 65, a value of said re-send timer is dynamically determined according to a network traffic condition is missing from Balazinski. However, Hong discloses a dynamically calculated retransmission timer in column 27, lines 63-65. It would have been obvious to one skilled in the art at the time of the invention to

dynamically determine the timer value according to network traffic conditions. The motivation would be to have the timer value be greater than the round-trip time in the network, so retransmissions do not occur before a response could have been received.

Regarding claims 9, 28, 47, and 66, setting a state of said network connection to 'ACK-sent' after sending said first configuration-ACK packet is not specifically disclosed in Balazinski. However, sending the ACK is disclosed in paragraph 11. It would have been obvious to one skilled in the art at the time of the invention to set the connection state to ACK-sent after sending the first ACK. The motivation would be to have the connection state describe the current state of the connection.

Regarding claims 10, 29, 48, and 67, setting said state of said network connection to 'open' after sending said first configuration-ACK packet is not specifically disclosed in Balazinski. However, sending the ACK is disclosed in paragraph 11. It would have been obvious to one skilled in the art at the time of the invention to set the connection state to ACK-sent after sending the first ACK. The motivation would be to have the connection state describe the current state of the connection (at that point, the connection is open for transmissions).

Regarding claims 11, 30, 49, and 68, if said re-send timer expires before a response to said second configuration request packet is received, re-sending said first configuration-ACK packet, restarting said re-send timer, and repeating said steps of re-sending and restarting until said response to said second configuration request packet is received is missing from Balazinski. However, Hong discloses a retransmission timer that resends packets when it expires in column 27, lines 43-53. It would have been



obvious to one skilled in the art at the time of the invention to resend the packets when the re-send timer expires. The motivation would be to retransmit the packet if there is no response within a certain time, and guard against unreceived packets in the system.

Regarding claims 12, 31, 50, and 69, if said response to said second configuration request packet is received, analyzing said response to said second configuration request packet is disclosed in paragraph 12 (all negotiation packets are analyzed, because the system needs to know their contents).

Regarding claims 14, 33, 52, and 71, if said response to said second configuration request packet is not said second configuration-ACK packet, resetting said state of said network connection, and initiating conventional PPP negotiation is disclosed in paragraph 35 of Balazinski.

Regarding claims 15, 34, 53, and 72, if said re-send timer expires before said response to said second configuration request packet is received, re-sending said first configuration-ACK packet, restarting said re-send timer, and repeating said steps of re-sending and restarting until said response to said second configuration request packet is received is missing from Balazinski. However, Hong discloses a retransmission timer that resends packets when it expires in column 27, lines 43-53. It would have been obvious to one skilled in the art at the time of the invention to resend the packets when the re-send timer expires. The motivation would be to retransmit the packet if there is no response within a certain time, and guard against unreceived packets in the system. Resetting said state of said network connection to 'ACK-sent' is not specifically disclosed in Balazinski. However, sending the ACK is disclosed in paragraph 11. It

would have been obvious to one skilled in the art at the time of the invention to set the connection state to ACK-sent after resending the ACK. The motivation would be to have the connection state describe the current state of the connection.

Regarding claims 16, 35, 54, and 73, if said response to said second configuration request packet is received, analyzing said response to said second configuration request packet is disclosed in paragraph 12 (all negotiation packets are analyzed, because the system needs to know their contents).

Regarding claims 17, 36, 55, and 74, if said response to said second configuration request packet is said second configuration-ACK packet, determining said state of said network connection, and if said state of said network connection is not set to 'open', setting said state of said network connection to 'open' is not specifically disclosed in Balazinski. However, receiving the ACK is disclosed in paragraph 11. It would have been obvious to one skilled in the art at the time of the invention to set the connection state to ACK-sent after receiving a response ACK. The motivation would be to have the connection state describe the current state of the connection (at that point, the connection is open for transmissions).

Regarding claims 19, 38, 57, and 76, if said response to said second configuration request packet is not said second configuration-ACK packet, resetting said state of said network connection is disclosed in paragraph 35 of Balazinski.

4. Claims 13, 18, 32, 37, 51, 56, 70, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balazinski in view of Hariharasubrahmanian and Hong in further view of Maggenti.

Regarding claims 13, 32, 51, and 70, if said response to said second configuration request packet is a second configuration-ACK packet, setting said state of said network connection to 'open' is missing from Balazinski. However, receiving a configuration-ACK is disclosed in Balazinski, paragraph 12. Further, retransmission until a response (in the case of this claim, the second configuration-ACK packet) is disclosed in Hong in column 27, lines 43-53. It would have been obvious to one skilled in the art at the time of the invention to set the connection state to open when the response to the retransmitted configuration packet is received. The motivation would be to have the connection state describe the state of the connection (at that point, the connection is open for transmissions). Discarding any further responses is missing from Balazinski. However, Maggenti discloses in column 14, lines 15-18, a system that ignores further responses after one is received. It would have been obvious to one skilled in the art to discard any further responses after the negotiation phase is completed, which it would be after receipt of the second configuration-ACK packet. The motivation would be to not waste resources analyzing unnecessary response packets.

Regarding claims 18, 37, 56, and 75, discarding any further responses is missing from Balazinski. However, Maggenti discloses in column 14, lines 15-18, a system that ignores further responses after one is received. It would have been obvious to one skilled in the art to discard any further responses after the negotiation phase is completed, which it would be after receipt of the second configuration-ACK packet. The motivation would be to not waste resources analyzing unnecessary response packets.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L. Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

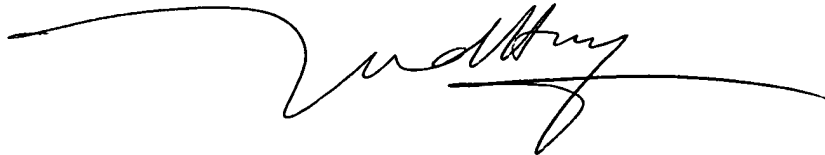
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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